



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR96-1490

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100870.

The Texas Department of Public Safety ("DPS") received a request for dispatch logs. You contend that the information at issue may be withheld from disclosure pursuant to section 552.108 of the Government Code. You have submitted to this office for review representative copies of the reports at issue.¹

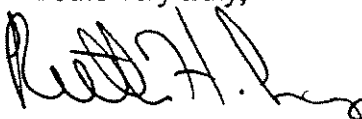
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." In Open Records Decision No. 394 (1983), this office determined that a police record of calls answered, like front page offense report information, is generally public. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Information normally found on the front page of an offense report is generally considered public and must be disclosed even if this information is not actually located on the front page of the report. *Id.*

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You assert that dispatch logs may be withheld from disclosure under section 552.108 in light of the Texas Supreme Court decision in *Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We do not believe that the *Holmes* decision protects front page type of information generally found in dispatch logs from public disclosure. Thus, Open Records Decision No. 394 (1983) is applicable to the dispatch records at issue, which are generally public and must be disclosed.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 100870

Enclosures: Submitted documents
Confidentiality sheet

cc: Mr. Chris Byers
5905 Phelan Blvd.
Suite C
Beaumont, Texas 77706
(w/ confidentiality sheet)

²We note that if any of the specific information at issue is made confidential by law, it should be redacted prior to release. We have enclosed a summary of some types of information that are generally considered confidential.